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September 20, 2010

Letter sent by email.

Mr. Timothy A. Frazier
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Re: Comments Submitted to the Blue Ribbon Commission on America's Nuclear Future.

Dear Mr. Frazier:

The members of the Nuclear Waste Strategy Coalition (NWSC) are encouraged that the Blue Ribbon Commission (BRC) continues to hold hearings covering broad areas such as nuclear waste program governance; international perspective and implications of U.S. decisions regarding the back-end cycle of the nuclear fuel cycle; the ethical foundations for nuclear waste management; and experiences and perspectives on public engagement in the facility siting process.

The NWSC is an ad hoc group of state utility regulators, state attorneys general, electric nuclear utilities and associate members representing 49 organizations in 32 states. The NWSC was formed in 1993 out of frustration at the lack of progress the Department of Energy (DOE) had made in developing a permanent repository for spent nuclear fuel (SNF) and high-level radioactive waste (HLRW), as well as Congress's failure to sufficiently fund the nuclear waste disposal program (Program) on an annual basis.

Until Congress amends the 1982 Nuclear Waste Policy Act, (NWPA), we advocate that an effective disposal program should consist of a permanent repository at the Yucca Mountain site; an integrated transportation plan; and centralized interim facilities that advance and complement the permanent repository while addressing near-term needs.

The NWSC reiterates though that centralized interim and recycling facilities are not a substitute for a permanent repository and should be considered as a short-term solution only. Regardless of U.S. decisions concerning the back-end cycle of the nuclear fuel cycle, a permanent repository will be still needed to dispose of commercial SNF and HLRW from across the nation, as well as DOE facilities.

Because the nuclear waste disposal programs in the international arena are managed in cooperation with their government, it is difficult to make comparisons with other countries since their government systems are entirely different from that of the United States.

However, in the Canadian model, the 2002 Nuclear Fuel Waste Act that established the Nuclear Waste Management Organization (NWMO) should be considered by the BRC. The NWMO mandated the Canadian nuclear utilities to create separate trust funds to finance the long-term management of spent fuel, investigate approaches for managing and implementing interim facilities, recycling and final disposition of SNF and HLRW in Canada.

The DOE has the responsibility to initiate and carry out its mandate as directed by the NWPA. It is highly unethical for the nation's ratepayers to continue paying into the Nuclear Waste Fund (NWF) for the disposal of SNF and HLRW, while the Administration provided no scientific or economic bases for the withdrawal with prejudice of its license application from the Nuclear Regulatory Commission (NRC), but the pretext of a change in "policy."

Consequently, numerous motions and lawsuits were filed against the DOE that are pending before the NRC and in the U.S. Courts. These lawsuits are in addition to lawsuits that have been and continue to be filed against the DOE due to its failure to fulfill its January 31, 1998, statutory and contractual obligations to remove SNF and HLRW from decommissioned and nuclear plant sites. It is estimated that the 1998 lawsuits will cost the nation's taxpayers more than \$11 billion and could mount to as much as \$50 billion.

Meanwhile since 1983, the nation ratepayers from 41 states have paid more than \$34 billion, including interest, into the NWF, and they continue to pay more than \$770 million annually into the NWF for the removal of SNF and HLRW - we should not to pass this problem on to future generations; action can be and should be taken in the near term to address the nation's nuclear waste currently stranded in 121 sites in 39 states.

Accordingly, we urge the BRC to recommend the construction of a centralized temporary storage facility or facilities, involving consensus among the Federal government, state and local officials, stakeholders and local communities, as well as a sustainable support mechanism for siting and operating such a temporary facility or facilities.

We should learn from history that funds paid into the NWF, and not appropriated for the Yucca Mountain project, are being used for other purposes. Therefore, in order to insulate the Program from the annual budget and appropriations process, and to ensure that funds from the NWF are being used for their intended purposes, we urge the BRC to make recommendations for the creation a quasi-government corporation as suggested by Senator Voinovich's proposed legislation, S.3322.

The members of the NWSC thank you for the opportunity to submit our input. We look forward to the opportunity to continue working with and providing further input to the Blue Ribbon Commission.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "D. Wright", with a stylized flourish at the end.

David Wright
Commissioner, South Carolina Public Service Commission, and
Chairman, Nuclear Waste Strategy Coalition